



TTAB

Attorney Docket: 07133.8050

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

1-800-PLUMBER, INC.,

Petitioner,

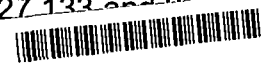
v.

BETH ELLEN CLINE,

Registrant.

27,133, 27,054

Cancellation No. 27,133 and 27,054



04-10-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #64

ASSISTANT COMMISSIONER FOR TRADEMARKS  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

ATTN: BOX TTAB NO FEE

**CONSENTED MOTION TO EXTEND DISCOVERY UNDER RULE 56(f)**  
**AND TO RESPOND TO SUMMARY JUDGMENT MOTION**

The parties hereby request that the deadline for Registrant, Beth Cline, to complete the Board-ordered 56(f) discovery and for Petitioner 1-800-Plumber, Inc. to respond to Registrant's summary judgment motion be extended for an additional forty-five days to and including **May 29, 2002**.

As grounds for the extension, Petitioner advises the Board that Ms. Cline has not yet produced documents responsive to the Board ordered 56(f) discovery that Ms. Cline testified about during her deposition in November 2001. Petitioner has followed up with Ms. Cline's counsel, Victor Serby, on several occasions regarding the status of the production, most recently on April 3, 2002. During a telephone conversation on April 3, 2002, Mr. Serby advised that Ms. Cline is still undergoing medical treatment that have continued to divert her from searching for and providing the documents. Mr. Serby

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indicated that Ms. Cline will try to provide the documents within the next forty-five (45) days.


To allow Ms. Cline additional time to locate the documents and sufficient time for Petitioner to prepare its response to Ms. Cline's summary judgment motion upon receiving the documents, the parties have stipulated to the further forty-five (45) day extension of the current deadline for the completion of discovery and for Petitioner to file its response to Registrant's motion for summary judgment in Cancellation No. 27,133. Victor Serby, counsel for Ms. Cline, consented to the forty five (45) day extension of time during an April 3, 2002 telephone conference with the undersigned counsel for Petitioner.

This request is for good cause and is not filed for the purpose of mere delay, and favorable consideration is requested.

Respectfully submitted,

1-800-PLUMBER, INC.

Dated: April 9, 2002

By:   
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing CONSENTED MOTION TO  
EXTEND DISCOVERY UNDER RULE 56(f) AND TO RESPOND TO SUMMARY  
JUDGMENT MOTION was served on April 9, 2002 by first class mail, postage prepaid,  
on the following attorney for Registrant:

Victor M. Serby, Esq.  
350 Fifth Avenue – Suite 6307  
Empire State Building  
New York, New York 10118

Kathleen L. Thomas

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